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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-sixth session
Agenda item 6

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

Mr. Bengoa, Mr. Boutkevitch, Ms. Chavez, Mr. Chernichenko, Mr. Fix Zamudio, Mrs. Forero Ucros, Mr. Guissé, Mrs. Gwanmesia, Mr. Hakim, Mr. Hatano, Mr. Joinet, Mr. Khalil, Mr. Khan, Mrs. Koufa, Mr. Maxim, Ms. Palley and Mr. Yimer: draft resolution

Situation in Burundi

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural rights,

Reaffirming that all Member States have the right and duty to promote and protect human rights and to discharge the obligations set out in the various applicable instruments,

Emphasizing that Burundi is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling the Commission on Human Rights resolution 1994/86 of 9 March 1994,

Taking note of decision 2 (45) on the situation in Burundi adopted by the Committee on the Elimination of Racial Discrimination on 16 August 1994,

Regretting the adverse effects of local mass media reports which foster racial hatred and violence,

Having examined with interest the comments of the Human Rights Committee at its fifty-first session (CCPR/C/79/Add.41),

Seriously concerned by forcible transfers of people and the massive exodus of people from Burundi beyond the frontiers, causing the loss of cultural values and risking major nutritional problems,

Emphasizing the need to reinforce preventive measures to halt the deterioration of the situation, where this is still possible,

Convinced that the impunity enjoyed by the perpetrators of gross and massive human rights violations such as the assassination of the President of the Republic on 21 October 1993, the massacres of innocent civilians at the instigation of some Government officials and the subsequent repression by the army using, in many instances, excessive force, provokes an unending cycle of acts of collective vengeance,

1. Requests the establishment, by independent bodies, of the individual responsibility of those involved in the commission of those crimes, coupled with the punishment of those individuals;

2. Encourages the efforts of the High Commissioner for Human Rights, the Centre for Human Rights and non-governmental organizations to accelerate the establishment of a programme of assistance in Burundi in order that the current situation of massive violations of human rights does not prevent the application of preventive measures to halt the deterioration of the situation;

3. Welcomes the conclusion of the Human Rights Committee in which it stated that it was ready to respond constructively to any appropriate request for assistance made by the Government of Burundi, provided that it is clear

and accompanied by a firm resolve on the part of the Government to adopt the measures necessary for the effective implementation of the Covenant (CCPR/C/79/Add.41, para. 18);

4. Places all its facilities at the disposal of the Centre for Human Rights;

5. Expresses the fear that the prevailing situation of massive human rights violations in Burundi could impede the implementation of the measures of assistance;

6. Urges the authorities of Burundi to make fully effective all measures necessary to carry out an inquiry into summary and arbitrary executions, to punish those responsible, to disarm the population and to repress all forms of encouragement of racial hatred and to plan the establishment of an independent multi-party commission to make recommendations for the application of these measures;

7. Expresses the hope that an initial mission, having as its main objective the bringing of assistance to Burundi, will be appointed by the Secretary-General of the United Nations and that, as a preventive measure, the Secretary-General will have recourse to the competent organs of the United Nations;

8. Calls on the Special Representative of the Secretary-General for Burundi, the High Commissioner for Human Rights, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Commission on Human Rights to invite the competent authorities to strengthen their surveillance of the human rights situation in Burundi, sending out observers with a view to preventing any re-emergence of violence;

9. Appeals to the moderate forces in the main political parties of Burundi to work together to alleviate ethnic tension in the country by resolving the constitutional crisis on the basis of the rule of law and respect for human rights.